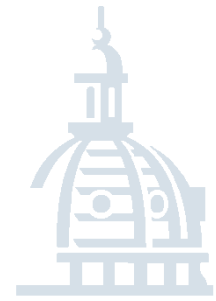


# Fiscal Note

*Fiscal Services Division*



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**HF 463** – Motor Vehicle Enforcement and Commercial Learner's Permits (LSB2126HVV.2)  
Analyst: Michael Guanci (Phone: (515) 725-1286) ([michael.guanci@legis.iowa.gov](mailto:michael.guanci@legis.iowa.gov))  
Fiscal Note Version – Amendment H-1424 to Amendment H-1295

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## **Description**

House File 463 Amendment [H-1424](#) to Amendment [H-1295](#) relates to the validity period of a commercial learner's permit (CLP) to match federal code. The Bill also allows certain commercial motor vehicles (CMVs) with auxiliary power or idle-reduction technology to exceed the maximum gross weight limits under Iowa Code chapter [321](#) by 550 pounds or the weight of the applicable technology, whichever is less.

The Amendment further regulates the enforcement powers and duties of Department of Transportation (DOT) Motor Vehicle Enforcement (MVE) officers under Iowa Code section [321.477](#). The Bill confers the authority of a peace officer to designated DOT employees to enforce all the laws of the State, including DOT rules and regulations as defined under Iowa Code section [801.4](#). Enforcement officers may not exercise the general powers of a police officer within city limits unless:

- A mayor makes a request with the approval of the Director of the DOT.
- A sheriff or county attorney makes a request with the approval of the Director of the DOT.
- The MVE officer is in pursuit of law violators or law investigations.
- The MVE officer is performing CMV inspections under Iowa Code chapter [321](#), or any additional inspections as ordered by the Director of the DOT.
- The MVE officer is conducting the investigation of laws relating to narcotics and other drugs.

The DOT is required to file a report with the General Assembly on or before December 1 of each year detailing the CMV and non-CMV enforcement activities conducted in the previous fiscal year.

Amendment H-1424 to Amendment H-1295 takes effect on enactment. The section of the Bill amending Iowa Code section [321.477](#) is repealed July 1, 2018.

## **Background**

A CLP is an instructional permit that allows a driver to operate a CMV when accompanied by a person who holds a valid commercial driver's license (CDL). Under Iowa Code section [321.180](#), the CLP is only valid for 180 days. Federal exemptions allow for states to extend the validity period for CLPs to one year. House File 463 will allow Iowa to match the validity period established by the federal government in [49 C.F.R. 383.25\(c\)](#) and [49 C.F.R. 383.73\(a\)\(2\)\(iii\)](#). In Iowa, there were 950 CLP renewals in FY 2016 at a cost of \$12 per license renewal.

The DOT's MVE unit is comprised of 98 sworn peace officers and 9 civilians. MVE officers primarily engage in CMV enforcement on the primary road system. However, MVE officers do engage in non-CMV enforcement to maintain safety on the primary road system. The costs for MVE officers and enforcement activities are funded by appropriations made to the Motor Vehicle Division from the Road Use Tax Fund (RUTF) and the Primary Road Fund (PRF). **Table 1** shows a five-year history of CMV and non-CMV enforcement by the DOT. Commercial

scheduled fines are deposited into the RUTF. Noncommercial scheduled fines are deposited into the General Fund.

**TABLE 1**

<b>DOT CMV and Non-CMV Enforcement History</b>					
	<u><b>FY 2012</b></u>	<u><b>FY 2013</b></u>	<u><b>FY 2014</b></u>	<u><b>FY 2015</b></u>	<u><b>FY 2016</b></u>
CMV Citations	26,545	24,484	22,632	23,739	20,373
Non-CMV Citations	9,448	10,126	9,694	10,562	12,375

Pending litigation against the DOT seeks to prevent the Department from most enforcement activities outside of those specifically mentioned under current Iowa Code section 321.477. The DOT has requested legislation to clarify the MVE officers' designation as peace officers to enforce all laws of the State under this Iowa Code section.

The DOT receives federal grant funding under the Motor Carrier Safety Assistance Program (MCSAP), and in FY 2017, the amount awarded to the DOT is an estimated \$4.2 million. The DOT will subapportion an estimated \$1.4 million of this grant award to the Department of Public Safety (DPS). Under this Program, the DOT uses the federal funds to reimburse the RUTF for commercial enforcement salaries and activities that are initially appropriated in the Transportation Appropriations Bill. The DPS primarily uses the federal grant money to fund the salaries of the 10 officers dedicated to commercial traffic enforcement.

Under the requirements of the MCSAP, the State must designate a lead agency that has legal authority under [49 C.F.R. 350.201\(d\)](#). The Governor has designated the DOT as the lead agency.

### **Assumptions**

- House File 463 Amendment H-1424 to Amendment H-1295 may reduce the number of CLP renewals.
- Certain commercial vehicles with idle-reduction technologies installed may be exempt from weight restrictions.
- Employees designated by the DOT as MVE officers may continue to enforce all laws of the State, including but not limited to CMV and non-CMV enforcement.
- House File 463 Amendment H-1424 to Amendment H-1295 may not prevent the DOT from applying for and receiving reimbursement of federal funds from the Motor Carrier Safety Assistance Program (MSCAP) under the Commercial Vehicle Safety Plan for the Federal Motor Carrier Safety Assistance Program Fiscal Year 2017.

### **Fiscal Impact**

House File 463 Amendment H-1424 to Amendment H-1295 has the following fiscal impact:

- The fiscal impact to the RUTF from the revenue reduction of CLP renewals is expected to be minimal.
- The fiscal impact to the RUTF from changing weight restrictions for certain commercial vehicles that employ auxiliary power units or idle-reduction technologies is expected to be minimal.
- There is no fiscal impact to the General Fund or the RUTF from amending Iowa Code section 321.477 to regulate the authority of MVE officers.
- There may be no or minimal fiscal impact to DPS or the General Fund for CMV enforcement reimbursement under MCSAP.

- There may be no or minimal fiscal impact to the DOT or the RUTF for CMV enforcement reimbursement under MCSAP.

**Sources**

Department of Transportation  
Criminal and Juvenile Justice Planning Division  
Department of Public Safety  
Federal Motor Carrier Safety Administration

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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